



SO ORDERED.

SIGNED this 30 day of April, 2018.



David M. Warren
David M. Warren
United States Bankruptcy Judge

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
NEW BERN DIVISION**

IN RE:)
)
PEPPERTREE-ATLANTIC BEACH) Case No. 15-02700-5-DMW
ASSOCIATION, INC.)
)
Debtor.) Chapter 11
)

**CONSENT ORDER REGARDING MOTION FOR ORDER IN AID OF EXECUTION OF
THE CONFIRMED CHAPTER 11 PLAN**

THIS MATTER coming before the Court upon the Motion for Order in Aid of Execution of the Confirmed Chapter 11 Plan filed by Peppertree-Atlantic Beach Association, Inc. (the “Debtor”), in the above-referenced case, on March 23, 2018, requesting Patton Hospitality Management, Inc. f/k/a Patton Hospitality Management, LLC f/k/a Festiva Management Group, LLC and Festiva Development Group, Inc. f/k/a Festiva Development Group, LLC (collectively, “Festiva”) on behalf of Peppertree-Atlantic Beach II Association, Inc. and Peppertree Atlantic Beach Villas III Association, Inc. to provide the Debtor with financial records related to certain cost sharing obligations with respect to the common areas located within the Peppertree

development. After having considered the record in this case, and with the consent of the parties subscribed hereto, the Court has the following:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. On May 13, 2015, Peppertree-Atlantic Beach Association, Inc. (hereinafter “Debtor”) filed a voluntary petition under Chapter 11 of the Bankruptcy Code.
2. This matter is a core proceeding pursuant to 28 U.S.C. § 157 and this Court has jurisdiction pursuant to 28 U.S.C. § 151, 157, and 1334.
3. The Debtor’s Chapter 11 Plan was confirmed on February 23, 2016.
4. On March 23, 2018, the Debtor filed a Motion for Order in Aid of Execution of the Chapter 11 Plan seeking an order directing Patton Hospitality Management, Inc. f/k/a Patton Hospitality Management, LLC f/k/a Festiva Management Group, LLC and Festiva Development Group, Inc. f/k/a Festiva Development Group, LLC (collectively, “Festiva”) on behalf of Peppertree-Atlantic Beach II Association, Inc. and Peppertree Atlantic Beach Villas III Association, Inc. to provide the Debtor with financial records related to certain cost sharing obligations with respect to the common areas located within the Peppertree development.
5. Shortly after the filing of the Motion, Festiva provided a cost sharing budget to Counsel for the Debtor.
6. Counsel for the Debtor, Special Counsel to the Debtor and the broker have reviewed the cost sharing budget extensively with Counsel for Festiva and believe it to accurately reflect any potential buyer’s annual expenses related to the common areas. A true and accurate copy of the cost sharing budget is attached hereto as Exhibit “A”.

Based upon the foregoing findings of fact and conclusions of law, IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the cost sharing budget attached as Exhibit “A”

is hereby approved and that it shall govern the future obligation of the purchaser of the Debtor's real property with respect to the common areas, provided the purchaser builds structures similar to those previously built on the property. If the capacity of the structures built by the purchaser on the property exceed that of what was previously on the property, the purchaser will be obligated to re-negotiate the cost-sharing fees with Peppertree-Atlantic Beach II Association, Inc., and Peppertree Atlantic Beach Villas III Association, Inc.

CONSENTED TO:

PEPPERTREE- ATLANTIC BEACH
ASSOCIATION, INC.

By: /s/ Jason L. Hendren

Jason L. Hendren
NC State Bar No.: 26869
E-mail:
jhendren@hendrenmalone.com
Hendren, Redwine & Malone, PLLC
4600 Marriott Drive, Suite 150
Raleigh NC 27612
Telephone: 919-573-1422
Facsimile: 919-420-0475
Attorney for the Debtor

PATTON HOSPITALITY MANAGEMENT,
INC. F/K/A PATTON HOSPITALITY
MANAGEMENT, LLC F/K/A FESTIVA
MANAGEMENT GROUP, INC. AND FESTIVA
DEVELOPMENT GROUP, INC., F/K/A
FESTIVA DEVELOPMENT GROUP, LLC

By: /s/ Elleveeve Donahue

Elleveeve Donahue
NC State Bar No.: 39641
E-mail: edonahue@zhcompany.com
One Vance Gap Road
Asheville, NC 28806
Telephone: 828-348-2505
Facsimile: 828-348-2510
*Attorneys for Patton Hospitality
Management, Inc. f/k/a Patton Hospitality
Management, LLC f/k/a Festiva
Management Group, LLC and Festiva
Development Group, Inc., f/k/a Festiva
Development Group, LLC, on behalf of
Peppertree-Atlantic Beach II Association,
Inc. and Peppertree Atlantic Beach Villas III
Association, Inc.*

END OF DOCUMENT

EXHIBIT "A"

Expense	Total Expense for 2017	PABI Estimated Yearly Portion
Monthly Waste Water Analysis Cost - Environment 1, Incorporated	\$ 7,250.04	\$ 2,175.01
Peppertree Wastewater - Internet - EarthLink	\$ 311.40	\$ 93.42
Cleaning Common Areas - CRM	\$ 9,016.83	\$ 2,705.05
WastwaterPlant Mainteance - CRM	\$ 41,264.35	\$ 12,379.31
Pool Mainteance and Supplies	\$ 32,544.63	\$ 9,763.39
Grounds Mainteance	\$ 19,963.93	\$ 5,989.18
Gas-Pool Heating	\$ 16,478.51	\$ 4,943.55
Electric - Common Areas	\$ 59,675.25	\$ 17,902.58
	\$ 186,504.94	\$ 55,951.48